

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**BEVERLY A BOLSINGER**  
Claimant

**RAINBO OIL COMPANY**  
Employer

**APPEAL NO: 13A-UI-07439-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/02/13  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(37) – Resignation

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 21, 2013, reference 01, that held she voluntarily quit without good cause attributable to her employer on May 12, 2013, and benefits are denied. A telephone hearing was held on July 29, 2013. The claimant did not participate. Joyce Hanley, Payroll, participated for the employer. Employer Exhibits A – N was received as evidence.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record finds: The claimant was hired as a CSR on May 10, 2012, promoted to assistant manager November 12, 2012 and last worked for the employer as a full-time retail assistant manager on May 19, 2013.

Claimant sent a text message to the store manager she would be absent May 20 due to dental appointment for a tooth issue. The employer policy is to personally call the manager to report an absence. Claimant failed to report for her 6:00 a.m. to 2:00 p.m. work shift on May 20.

When claimant called later, the manager told her the employer was contemplating discipline for the improper notice of the absence from work. Claimant responded with an employment resignation that was accepted by the employer though it did not request she do so.

Claimant failed to respond to the hearing notice.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(37) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to resignation for personal reasons effective May 20, 2013.

The claimant knew she might face discipline for the policy violation of reporting her absence, but the employer did not terminate her. She was not asked to resign.

**DECISION:**

The department decision dated June 21, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause due to her resignation on June 20, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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